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March 28, 2006

TO: Examiner Hope Robinson
     Group 1656
     (571) 272-0957

FROM   Justin D. Karjala
     Celera Genomics Corp.
     (240) 453-3812

FAX NO: (571) 273-8300

OF PAGES (incl. cover): 7

Re: U.S. Serial No. 10/634,905, filed August 6, 2003
  Entitled "ISOLATED HUMAN ENZYME PROTEINS, NUCLEIC ACID
  MOLECULES ENCODING HUMAN ENZYME PROTEINS, AND USES
  THEREOF"
  Attorney Docket No.: CL001147-DIV

A Preliminary Amendment (Restriction Election) in the above-identified application
follows. No fee is due for this submission.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Weiniu GAN et al.

Art Unit: 1656

Serial No.: 10/634,905

Examiner: Robinson, Hope

Filed: August 6, 2003

Atty. Docket: CL001147-DIV

For: ISOLATED HUMAN ENZYME
PROTEINS, NUCLEIC ACID MOLECULES
ENCODING HUMAN ENZYME PROTEINS,
AND USES THEREOF

PRELIMINARY AMENDMENT

Honorable Commissioner of   *By Facsimile*
  Patents and Trademarks
Washington, D.C. 20231

Sir:

This is in response to an Office Action mailed on February 28, 2006 from Examiner Robinson in which a restriction requirement was issued for the above-referenced application.

In response to the restriction requirement, Applicants hereby elect, with traverse, claim group II (claim 3, drawn to antibodies) for examination and have canceled claims corresponding to the non-elected groups III-VII.

However, applicants respectfully request that the Examiner reconsider the claim division of the restriction requirement and combine group II (drawn to antibodies) with group I (drawn to polypeptides).

In particular, examination of the antibody claims of group II, in which the antibodies claimed in the group II claims selectively bind the polypeptides that are claimed in the group I claims (as in the instant situation), is based in part on search and examination of the amino acid sequence of the polypeptides claimed in the group I claims. Therefore, because the search and examination necessary to examine the claims of group II inherently includes a search of the amino acid sequence of the polypeptides

claimed in the group I claims, a search and examination of the group II claims inherently includes a search and examination of the group I claims. Thus, it is believed that the effort required to search and examine both groups I and II together is not substantially greater than the effort required to search and examine group II alone, and therefore search and examination of the claims of groups I and II combined would not unduly burden the Examiner with additional review issues.

Accordingly, Applicants are hereby amending claim 3 and presenting new claims 14-27 drawn to antibodies and respectfully request entry, search, and examination of these antibody claims. Additionally, should the Examiner reconsider the restriction requirement based on the above remarks and combine group I (polypeptides) with group II (antibodies), Applicants are also hereby amending claims 1-2 and presenting new claims 28-29 drawn to polypeptides and respectfully request entry, search, and examination of these polypeptide claims together with the antibody claims.

The Office is authorized to charge any necessary claim fees to Deposit Account Number 50-0970.

Please amend the application as follows: